

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NATHAN COX,

Plaintiff,

v.

TRAVIS CREDIT UNION,

Defendant.

Case No. 2:24-cv-2171-DC-JDP (PS)

ORDER

Plaintiff has filed a request to voluntarily dismiss this case without prejudice. ECF No. 24. Subject to exceptions not applicable here, a plaintiff may voluntarily dismiss an action without a court order by filing:

- (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or
- (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A).


Before plaintiff filed his request for voluntary dismissal, defendant filed an answer. ECF No. 9. Consequently, plaintiff may not unilaterally dismiss this case pursuant to Rule 41(a)(1)(A)(i). However, defendant may stipulate to dismissal of this action pursuant to Rule 41(a)(1)(A)(ii). Even if defendant declines to stipulate, the court may dismiss this action based

1 upon plaintiff's request, "on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2).

2 Accordingly, it is hereby ORDERED that defendant shall, within seven days of the date of
3 this order, file and serve a document stipulating to dismissal of this action without prejudice
4 pursuant to Rule 41(a)(1)(A)(ii),¹ or otherwise respond to plaintiff's request for voluntary
5 dismissal.

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7 IT IS SO ORDERED.

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9 Dated: April 15, 2025


10 JEREMY D. PETERSON
11 UNITED STATES MAGISTRATE JUDGE
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28 ¹ In the event defendant so stipulates, the court will construe the parties' filings as a
stipulation of voluntary dismissal without prejudice pursuant to Rule 41(a)(1)(A)(ii).